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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,628	01/12/2001	David L. Gilmour	003886.P018	2386

7590 11/24/2004

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EXAMINER


WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/759,628	Applicant(s) GILMOUR ET AL. 	
	Examiner Isaac M Woo	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is response to the application filed, on January 12, 2001. Pending claims 1-26, are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "A method including" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-25, dependent on claim 1, are rejected.

Claim 26 recites the limitation "A system including" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-26 are rejected under 35 U.S.C. 101 because the claim invention is directed to non-statutory subject matter.

MPEP 2106 IV. B.2. (b)

A claim that requires one or more acts to be performed defined a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F. 3d at 296, 30 USPQd at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

MPEP 2106. II.A

Process that consists solely of the maculation of an abstract idea not concrete or tangible. See In re Warmerdam, 33 F3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994).

Claims 1-26, in view of the above cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to practical application within the technological arts. The use of a computer has not been indicated.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean et al (U.S. Patent No. 6,023,762, hereinafter, "Dean").

With respect to claims 1 and 26, Dean discloses, constructing a first profile utilizing first information concerning a profile subject (personal information, 202, fig.2), wherein the first information is provided by the profile subject, (USER DATABASES, fig. 2, col. 4, lines 10-27, for instance, the first profile is personal information, 202, fig. 2); and constructing a second profile utilizing second information concerning the profile subject (201, project info, fig. 2), wherein the second information is provided by a further entity, (USER DATABASES, fig. 2, col. 4, lines 10-27, user profile has different information categories that are 200-203, fig. 2, for instance, project info (201, fig. 2) is the second profile), wherein a profile search (request information to user database, col. 5, lines 40-67 to col. 6, lines 1-25) is performed against the both the first (personal

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information, fig. 5) and second profiles (project status, fig. 5) and wherein a search result is processed according to a publication policy specified by the profile subject, see (col. 4, lines 26-65, col. 5, lines 40-67 to col. 6, lines 1-25, for instance, the publication policy for personal information for wife and for project status for boss, thus, the publication policy is depend on the profile subjects).

With respect to claims 2-3, Dean discloses, write and read access to the first profile is limited to the profile subject, see (col. 4, lines 26-65, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 4, Dean discloses, search access to the first profile is extended beyond the profile subject, see (col. 4, lines 26-65, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 5, Dean discloses, search access to the first profile is unrestricted, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 6, Dean discloses, write access to the second profile is limited to the further entity, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 7, Dean discloses, read access to the second profile is limited to the further entity, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 8, Dean discloses, search access to the second profile is extended beyond the further user, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 9, Dean discloses, search access to the second profile is unrestricted, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 10, Dean discloses, publication policy specifies that the profile subject be prompted for authorization to publish the search result, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 11, Dean discloses, the publication policy specifies that the profile subject be prompted for authorization to publish the search result when the search registers a match with respect to the second profile, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 12, Dean discloses, first profile includes a public profile portion and a private profile portion, and wherein the publication policy specifies that the profile subject be prompted for authorization to publish the search result when the search registers a match with respect to the private profile portion, see (fig. 5, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 13, Dean discloses, authorization is to publish the search result to an initiator of the search, see (fig. 4, col. 5, lines 22-39).

With respect to claim 14, Dean discloses, publication policy specifies that the search result be published without independent authorization by the profile subject, see (fig. 4, col. 5, lines 22-39).

With respect to claim 15, Dean discloses, first profile includes a public profile portion and a private profile portion and wherein the publication policy specifies that the search result be published without the independent authorization by the profile subject when the search generates a match against the public profile portion, see (fig. 4, col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 16, Dean discloses, publication policy specifies that the search result not be published, see (fig. 4, col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 17, Dean discloses, publication policy includes a rule authored by the profile subject, see (fig. 4, col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 18, Dean discloses, publication policy specifies at least one search criteria to be applied when a profile search is performed against any one of the first and second profiles, see (fig. 5, col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 19, Dean discloses, search criteria defines a requirement for the performance of the profile search, see, (col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 20, Dean discloses, requirements is that the profile search be related to specific subject matter, see (fig. 4, col. 5, lines 22-39).

With respect to claim 21, Dean discloses, requirements is that the profile search be related to specific subject matter, see (col. 5, lines 22-39).

With respect to claim 22, Dean discloses, first and second profiles form respective portions of a common profile, see (col. 5, lines 22-39).

With respect to claim 23, Dean discloses, first and second profiles reside at a common network locations, see (fig.1, col. 3, lines 27-65).

With respect to claim 24, Dean discloses, profile search is performed against a plurality of profiles and wherein the search result is processed according to the publication policy, see (col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

With respect to claim 25, Dean discloses, read access is denied to a host computer that hosts the first profile, see (col. 5, lines 22-39, col. 5, lines 40-67 to col. 6, lines 1-25).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heyen et al (U.S. Patent No. 5,093,918) discloses the system for providing a user dependent status indication for shared electronic mail objects within a distributed computing system. In certain electronic mail systems multiple users are permitted to share access to selected electronic mail objects in a so-called "affinity" relationship whereby selected end users are permitted to access identical address space within a computer. Within such systems it is difficult to ascertain a particular status of a selected electronic mail object with certainty due to the fact that multiple users may have access to that electronic mail object. In accordance with the method of the present invention an attribute list is associated with each electronic mail object which may contain multiple sets of attributes, each set associated with a group of recipients, a subgroup of

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recipients or an individual end user having access to that electronic mail object.

Thereafter, the activities of each end user are utilized to modify each attribute list associated with that end user. An end user may then periodically determine and display the status of an individual mail object with regard to the entire group of recipients, a subgroup of recipients or an individual end user.


Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
November 18, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER